

**HOGAN & HARTSON**  
**L.L.P.**

DOCKET FILE COPY ORIGINAL

LINDA L. OLIVER  
PARTNER  
DIRECT DIAL (202) 637-6527

September 17, 1999

COLUMBIA SQUARE  
555 THIRTEENTH STREET, NW  
WASHINGTON, DC 20004-1109  
TEL (202) 637-5600  
FAX (202) 637-5910

**BY HAND DELIVERY**

Ms. Magalie R. Salas  
Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, D.C. 20554

SEP 17 1999

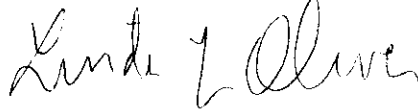
**Re: Calling Party Pays Service Option in the Commercial  
Mobile Radio Services, CC Docket No. 97-207**

Dear Ms. Salas:

Pursuant to the FCC's Public Notice FCC 99-137, released July 7, 1999, and as amended by DA 99-1566, released August 6, 1999, enclosed for filing in the above-referenced docket are the original and nine copies of the "Comments of Qwest Communications Corp."

Please contact the undersigned if you have any questions.

Respectfully submitted,



Linda L. Oliver  
Counsel for Qwest Communications  
Corp.

Enclosures

cc: David Siehl, Policy Division, Wireless Telecommunications Bureau

No. of Copies rec'd 049  
List ABCDE

BRUSSELS BUDAPEST LONDON MOSCOW PARIS\* PRAGUE WARSAW  
BALTIMORE, MD BETHESDA, MD COLORADO SPRINGS, CO DENVER, CO LOS ANGELES, CA McLEAN, VA

\*Affiliated Office

**Before the  
FEDERAL COMMUNICATIONS COMMISSION**

In the Matter of	)	
	)	
Calling Party Pays Service Offering	)	WT Docket No. 97-207
in the Commercial Mobile Radio Services	)	

SEP 17 1999

**COMMENTS OF  
QWEST COMMUNICATIONS CORPORATION**

Genevieve Morelli  
Senior Vice President, Government Affairs  
Senior Associate General Counsel  
Paul F. Gallant  
Senior Policy Counsel, Government Affairs  
Qwest Communications Corporation  
4250 N. Fairfax Drive  
Arlington, VA 22203  
Phone: (703) 363-3306  
Fax: (703) 363-4404

Linda L. Oliver  
Jennifer A. Purvis  
Hogan & Hartson L.L.P.  
555 13th St., N.W.  
Washington, D.C. 20004  
Phone: (202) 637-5600  
Fax: (202) 637-5910

Counsel for Qwest  
Communications Corporation

September 17, 1999

## TABLE OF CONTENTS

	<u>Page</u>
INTRODUCTION AND SUMMARY .....	1
I. IF THE FCC ADOPTS CPP, IT SHOULD ESTABLISH GENERAL PRINCIPLES FOR THE SERVICE, INCLUDING PRINCIPLES GOVERNING CUSTOMER NOTIFICATION AND BILLING. ....	3
II. THE COMMISSION IS CORRECT THAT CMRS PROVIDERS SHOULD PROVIDE CPP NOTIFICATION. ....	4
III. NOTIFICATION RULES SHOULD BE NATIONWIDE, UNIFORM, AND PREEMPTIVE.....	6
IV. CMRS PROVIDERS SHOULD BE RESPONSIBLE FOR BILLING AND COLLECTION FOR CPP SERVICES. ....	7
CONCLUSION .....	9

**Before the  
FEDERAL COMMUNICATIONS COMMISSION**

SEP 17 1999

In the Matter of )  
 )  
Calling Party Pays Service Offering )  
in the Commercial Mobile Radio Services )

WT Docket No. 97-207

**COMMENTS OF  
QWEST COMMUNICATIONS CORPORATION**

Qwest Communications Corporation (Qwest) hereby files its comments on the notice of proposed rulemaking (NPRM) issued July 7, 1999, in the above-captioned proceeding on Calling Party Pays (CPP).<sup>1/</sup>

**INTRODUCTION AND SUMMARY**

Qwest is a multimedia communications company offering a full range of voice, data, video, and information services both domestically and internationally. Qwest has completed the construction of an 18,500-mile, 150-city fiber optic network that offers customers and carriers the ability to transmit massive amounts of communications information throughout the United States. Qwest's system includes the first nationwide 2.4 gigabit Internet Protocol (IP) network, which serves as the backbone for Qwest's IP-based services. This network enables Qwest to move more information faster, more securely, and more reliably than any other

---

<sup>1/</sup> Calling Party Pays Service Offering in the Commercial Mobile Radio Services, WT Docket No. 997-207, FCC 99-137, Declaratory Ruling and Notice of Proposed Rulemaking (July 7, 1999) ("Declaratory Ruling" or "NPRM").

network on earth.<sup>2/</sup> Qwest also has announced a 25-city deployment of local telephone facilities and a planned roll-out of commercial DSL-based services in over 40 cities by the end of this year. Qwest does not today provided wireless services, although it may do so in the future as part of full-service offerings.

On July 18, 1999, Qwest's corporate parent, Qwest Communications International, Inc., announced plans to merge with U S WEST, Inc., an incumbent local exchange carrier (ILEC) and one of the regional Bell operating companies. The combination of Qwest and U S WEST, to be named Qwest Communications International, Inc., will bring together, from Qwest, the world's most advanced, fiber-optic network providing broadband Internet communications, with U S WEST, the provider of the nation's most innovative local communications services and the nation's leader in providing high-speed Internet access through advanced digital subscriber line (DSL) technology.

Qwest's primary interest in this proceeding is to ensure that if Calling Party Pays services are introduced broadly in the United States, they be provided pursuant to uniform, nationwide policies that make clear where the responsibility for such matters as billing and customer notification lies. As discussed below, the companies providing Calling Party Pays services to the public should be the ones responsible for providing appropriate notifications to calling parties. Those companies also should be responsible for billing and collecting for Calling Party

---

<sup>2/</sup> Qwest's network extends 1,400 miles into Mexico, and includes undersea cables in the Atlantic Ocean. In addition, Qwest is part of a joint venture that will

Pays services, even though other entities (such as incumbent local exchange carriers and clearinghouses) may be willing and able to provide the billing and collection services on behalf of the providers of CPP service. It would be technically difficult, unnecessary, and unduly burdensome to place such requirements on either the interexchange carriers involved in transporting these calls or on the local exchange carriers originating these calls (particularly competitive local exchange carriers).

**I. IF THE FCC ADOPTS CPP, IT SHOULD ESTABLISH GENERAL PRINCIPLES FOR THE SERVICE, INCLUDING PRINCIPLES GOVERNING CUSTOMER NOTIFICATION AND BILLING.**

Qwest takes no position on whether the Commission should adopt rules to permit the provision of Calling Party Pays service by Commercial Mobile Radio Services (CMRS) providers. To the extent the Commission adopts such rules, however, the Commission should make the following points clear:

- As the service providers under the Commission's CPP proposal, CMRS providers should provide the CPP notification to calling parties.
- Whatever notification requirements the Commission adopts should be national, uniform, and preemptive.
- As the service providers under the Commission's CPP proposal, CMRS providers should be ultimately responsible for the billing and collection associated with CPP service (even if others provide such services to the CPP service provider).

---

extend its reach into Europe and is part of a consortium that is building undersea fiber links to Japan and the Asia Pacific Region.

These points are consistent with the notification and billing requirements in other telecommunications contexts. These points also are consistent with administrative efficiency and practical realities. 3/

## **II. THE COMMISSION IS CORRECT THAT CMRS PROVIDERS SHOULD PROVIDE CPP NOTIFICATION.**

The NPRM indicates that the CMRS provider would be responsible for providing calling party notification for CPP. 4/ The Commission is correct in adopting this approach because, under the Commission's proposal, it is the CMRS provider that will provide CPP services.

As the service provider in the CPP context, the CMRS provider is the entity with the information necessary to provide accurate, complete, and up-to-date CPP notification. Under the FCC's proposal, this information would include the identity of the CMRS provider, the per-minute rate for the call, and other charges that will be imposed by the CMRS provider. 5/ No other entity has access to this information, nor does any other entity control that information. There is no evidence, moreover, that CMRS providers do not have the technical capability to provide such notification to calling parties.

---

3/ Qwest does not address in these comments the alternative model for provision of CPP service discussed in the NPRM: the "CPP-like" or "European" CPP model. NPRM at paras. 69-74. If the Commission were to adopt this model, the notification and billing issues addressed in these comments might be answered differently.

4/ See NPRM at para. 42.

5/ Id. at para. 42.

The CMRS provider, moreover, is the entity that will receive the benefits (including the revenues) from providing the CPP service. The CMRS provider also is the entity that will be responsible for dealing with customer complaints, concerns, and questions regarding rates and other terms and conditions of service. Accordingly, the CMRS provider should bear the responsibility for administering the notification for CPP, as well as the costs associated with providing such notification. This treatment would be consistent with the treatment applied in other telecommunications contexts – such as the case of operator services provided from payphones. 6/

Indeed, CMRS providers are the only logical providers of CPP notification. Other entities, such as interexchange carriers (IXCs) and local exchange carriers (LECs), are simply links in the CPP chain. They may carry portions of a CPP call, but they are not the service providers. In addition, the imposition of a notification requirement on IXCs or LECs would increase their costs without any offsetting benefits. It would thus make no sense as a practical matter, or from an efficiency standpoint, to require such carriers to provide CPP notification.

For these reasons, the Commission is correct in its tentative conclusion that, as the service provider in the CPP context, it is the CMRS provider that should provide calling party notification.

---

6/ See Billed Party Preference for InterLATA O+ Calls, CC Docket No. 92-77, Second Report and Order and Order on Reconsideration, 13 FCC Rcd 6122 at ¶ 19 (1998).



### III. NOTIFICATION RULES SHOULD BE NATIONWIDE, UNIFORM, AND PREEMPTIVE.

The Commission also tentatively concludes in the NPRM that it should adopt nationwide, uniform notification requirements. <sup>7/</sup> Qwest agrees. Whatever notification requirements the Commission chooses to adopt should be national, uniform, and preemptive. The Commission should not leave notification rules to the states.

There is no question that the states play, and should continue to play, an important role in matters involving consumer protection. However, the Commission has concluded that CPP is a form of CMRS. <sup>8/</sup> Accordingly, the Commission has authority under Section 332 of the Communications Act of 1934, as amended, ("the Act") to establish uniform, national rules governing the provision of CPP. <sup>9/</sup> Such uniform rules would help make the service successful, protect consumers, and reduce the cost of providing the service.

The existence of different notification rules in different states could create enormous practical problems and subject telecommunications carriers to multiple, potentially inconsistent, requirements. The need to conform to different rules in different states could make the costs of providing CPP notification prohibitive. Such requirements might be imposed not just on CMRS providers,

---

<sup>7/</sup> Id. at paras. 33, 34.

<sup>8/</sup> Declaratory Ruling at paras. 15-19.

<sup>9/</sup> 47 U.S.C. § 332; NPRM at para. 36.

moreover, but on other "links in the chain," such as interexchange carriers and local exchange carriers.

For these reasons, the only workable approach to the adoption of CPP notification rules is the adoption by the Commission of nationwide, preemptive rules that would be uniformly applicable to all CPP traffic in all states.

#### **IV. CMRS PROVIDERS SHOULD BE RESPONSIBLE FOR BILLING AND COLLECTION FOR CPP SERVICES.**

The NPRM also raises the issue of billing and collection for CPP service. <sup>10/</sup> Since, under the Commission's CPP proposal, it is the CMRS provider that will be providing the CPP service, it is the CMRS provider that should be ultimately responsible for billing and collection for that service. As is the case with customer notification, the CMRS provider is the entity with the rate and charge information necessary to create accurate bills for CPP services. This function could be delegated to a third party, but the CPP provider should be ultimately responsible for that function.

CMRS providers are likely to possess the ability to bill and collect for CPP services. Presumably the necessary ANI and call detail information will be passed through to enable them to generate bills. A wide variety of third parties, such as many local exchange carriers and clearinghouses, also are available to assist CMRS providers in carrying out billing and collection functions, if necessary. As the entity that will receive the benefits of providing the CPP service, moreover,

---

<sup>10/</sup> NPRM at paras. 55-62.

it is the CMRS provider that should be responsible for administering that service and the entity that should bear the costs of billing and collection for the service.

It would not make sense to require interexchange carriers to provide the billing and collection for CPP services. This is so because IXC's do no more than relay the CPP traffic at different points along the chain from the end user to the CPP service provider. Requiring IXC's to provide billing and collection for CPP, moreover, would be inefficient and even harmful to those carriers for the same reasons discussed above with respect to notification requirements. Even if an IXC might have a relationship with certain calling parties, it would be inappropriate to impose on it the responsibility for CPP billing and collection.

At the same time, it is possible that incumbent local exchange carriers might be willing to provide billing and collection services for CPP, as they do for other services. If that were the case, a CMRS provider should be free to employ the ILEC's services. The Commission should make clear, however, that competitive local exchange carriers (CLEC's) are not required to provide billing and collection for CPP. It is by no means clear that CLEC's have the capability to perform billing and collection for such third party service providers. Moreover, in order for CLEC's to perform billing and collection for CPP services, every CMRS provider in a service area would potentially have to enter into arrangements with every CLEC in every city where the CPP service was provided. The resulting matrix of agreements and arrangements would be unworkably complex and burdensome.

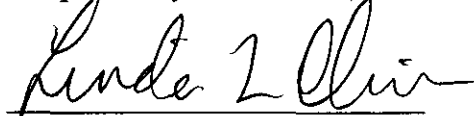
## CONCLUSION

For the foregoing reasons, if the Commission adopts the CPP model proposed in its NPRM, the Commission should make clear that CMRS providers should be responsible for providing notification to calling parties and for providing the billing and collection for CPP. In addition, to the extent the Commission adopts calling party notification requirements, those requirements should be national, uniform, and preemptive.

Genevieve Morelli  
Senior Vice President, Government Affairs  
Senior Associate General Counsel  
Paul F. Gallant  
Senior Policy Counsel, Government Affairs  
Qwest Communications Corporation  
4250 N. Fairfax Drive  
Arlington, VA 22203  
Phone: (703) 363-3306  
Fax: (703) 363-4404

September 17, 1999

Respectfully submitted,



Linda L. Oliver  
Jennifer A. Purvis  
Hogan & Hartson L.L.P.  
555 13th St., N.W.  
Washington, D.C. 20004  
Phone: (202) 637-5600  
Fax: (202) 637-5910  
  
Counsel for Qwest  
Communications Corporation

## CERTIFICATE OF SERVICE

I, Barbara E. Clocker, hereby certify that on this 17th day of September, 1999, copies of the foregoing "Comments Qwest Communications Corp." were served by hand delivery to the following:

David Siehl  
Policy Division  
Wireless Telecommunications Bureau  
Federal Communications Commission  
445 Twelfth Street, SW, Room 3-A164  
Washington, DC 20554

Dr. Joseph Levin  
Policy Division  
Wireless Telecommunications Bureau  
Federal Communications Commission  
445 Twelfth Street, SW, Room 3-B135  
Washington, DC 20554

Thomas Sugrue, Chief  
Wireless Telecommunications Bureau  
Federal Communications Commission  
445 Twelfth Street, SW, Room 3-C252  
Washington, DC 20554

Kris Monteith  
Chief, Policy Division  
Wireless Telecommunications Bureau  
Federal Communications Commission  
445 Twelfth Street, SW, Room 3-C133  
Washington, DC 20554

Diane Cornell  
Associate Chief  
Wireless Telecommunications Bureau  
Federal Communications Commission  
445 Twelfth Street, SW, Room 3-C220  
Washington, DC 20554

James Schlichting  
Deputy Chief  
Wireless Telecommunications Bureau  
Federal Communications Commission  
445 Twelfth Street, SW, Room 3-C254  
Washington, DC 20554

Larry Strickling, Chief  
Common Carrier Bureau  
Federal Communications Commission  
445 Twelfth Street, SW, Room 5-C450  
Washington, DC 20554

Christopher Wright  
General Counsel  
Federal Communications Commission  
445 Twelfth Street, SW, Room 5-C755  
Washington, DC 20554

Ari Fitzgerald  
Legal Advisor to Chairman Kennard  
Federal Communications Commission  
445 Twelfth Street, SW, Room 8-B201N  
Washington, DC 20554


Adam Krinsky  
Legal Advisor to Commissioner Tristani  
Federal Communications Commission  
445 Twelfth Street, SW, Room 8-C302B  
Washington, DC 20554

Mark Schneider  
Senior Legal Advisor to Commissioner Ness  
Federal Communications Commission  
445 Twelfth Street, SW, Room 8-B115C  
Washington, DC 20554

Peter Tenhula  
Legal Advisor to Commissioner Powell  
Federal Communications Commission  
445 Twelfth Street, SW, Room 8-A204F  
Washington, DC 20554

Robert Calaff  
Legal Advisor to Commissioner Furchtgott-Roth  
Federal Communications Commission  
445 Twelfth Street, SW, Room 8-A302E  
Washington, DC 20554

ITS  
1231 20<sup>th</sup> Street  
Washington, DC 20554

  
Barbara E. Clocker